

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JONATHAN BROOKS HAWKINS,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

No. 2:22-CV-00225-SAB

**ORDER DENYING MOTION TO
AMEND OR VACATE
JUDGMENT**

Before the Court is Petitioner's Motion to Amend or Vacate Judgment, ECF No. 13. The motion was heard without oral argument. Petitioner Jonathan Brooks Hawkins is represented by Jeffrey Erwin Ellis. Respondent Melissa Andrewjeski is represented by Christopher Mark Fowler.

Motions for reconsideration may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). Reconsideration of a judgment is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources. *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "A district court may properly reconsider its decision if it '(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.'" *Smith v. Clark Cnty. Sch.*

ORDER DENYING MOTION TO AMEND OR VACATE JUDGMENT *1

1 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263).
2 Whether to grant a motion for reconsideration is within the sound discretion of the
3 court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima Nation*, 331
4 F.3d 1041, 1046 (9th Cir. 2003).

5 Petitioner failed to meet the standard for reconsideration outlined by Rule
6 49(e) or 60(b). Petitioner did not meet any of the three grounds for reconsideration
7 outlined in *Smith*. Therefore, this extraordinary remedy is not available, and the
8 motion is denied.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Petitioner's Motion to Amend or Vacate Judgment, ECF No. 13,
11 is **DENIED**.

12 2. The above-captioned case remains closed.

13 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
14 this Order and provide copies to counsel.

15 **DATED** this 17th day of August 2023.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

21 Stanley A. Bastian
22 Chief United States District Judge
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